

COPYING PROHIBITED HRS 606-13/HRCP RULE 30(f)(2)

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IN THE DISTRICT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Electronically Filed
Intermediate Court of Appeals
CAAP-13-9000002
15-APR-2013
08:52 AM

STATE OF HAWAII,

Plaintiff,

vs.

REED W. SAILOLA,

Defendant.

CASE NO. LOTA 11-03671

TRANSCRIPT OF ELECTRONICALLY-RECORDED PROCEEDINGS

before the Honorable David Lo, Judge presiding, on
December 6, 2012, in the above-entitled matter.

APPEARANCES:

ANNE CLARKIN

For Plaintiff

JONATHAN BURGE

For Defendant

Transcribed by:
Theresa A. Reese, RPR, CSR #428
Official Court Reporter
State of Hawaii

Official Court Reporter
First Circuit Court
State of Hawaii

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1 BY THE COURT:

2 Q But, nonetheless, Mr. Sailola, if you do decide or
3 if you remain silent and not testify, the Court will not
4 hold that against you.

5 You understand that?

6 A Yes.

7 Q And if you testify, the prosecutor has the
8 opportunity to cross-examine you; correct?

9 A Yes.

10 Q All right. So through your attorney -- discussion
11 with your attorney, you've decided to remain silent and
12 not call any witnesses; correct?

13 A Yes.

14 Q And that's why you agreed and (indiscernible) to
15 do a stipulated fact trial; correct?

16 A Yes.

17 THE COURT: Okay. All right. Anything
18 further?

19 MR. BURGE: No, your Honor.

20 MS. CLARKIN: No, your Honor.

21 THE COURT: All right. Court will
22 sentence the defendant to 14 hours of substance abuse
23 rehabilitation as well as undergo substance abuse
24 assessment and possible treatment; one-year license
25 revocation; pay fees in the amount of \$107 DE, \$30 CVCF,

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1 \$25 neurotrauma, \$250 DDRA of which \$150 will be
2 suspended, and a fine of \$250.

3 Bail to apply in the event an appeal is
4 not noticed.

5 MR. BURGE: Understood. And, your Honor,
6 if we could come back on January 7th, that would be the
7 appeal date because the 5th is on a Saturday.

8 THE COURT: All right. January 7th p.m.,
9 Courtroom 10D.

10 Mr. Burge, you can inquire up to
11 Mr. Matsunaga about being --

12 MR. BURGE: Yes.

13 THE COURT: -- on time in this courtroom.

14 Thank you.

15 MR. BURGE: Thank you, your Honor.

16 MS. CLARKIN: Just a second. Jonathan --

17 MR. BURGE: Yes.

18 MS. CLARKIN: -- the ALDRO was reversed
19 on --

20 MR. BURGE: Yes. So he imposed it. He
21 just suspended it.

22 MS. CLARKIN: Okay. Okay.

23 THE CLERK: Oh, you imposed, but did you
24 impose the license --

25 THE COURT: I did.

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1 MR. BURGE: But he's staying it pending
2 appeal.

3 THE COURT: Staying the entire sentence.

4 THE CLERK: Thank you.

5 (End of proceedings.)
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1 STATE OF HAWAII)
2 CITY AND COUNTY OF HONOLULU) ss.
3 _____)

4 I, THERESA A. REESE, RPR, CSR# 428, do hereby
5 certify that the foregoing is a true and accurate
6 transcript of the electronically-recorded proceedings
7 had in connection with the above-entitled cause and that
8 said transcript was transcribed to the best of my
9 ability.

10 DATED: Honolulu, Hawaii, this 11th day of
11 April, 2013.

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15 /s/ Theresa A. Reese
16 Theresa A. Reese, CSR# 428
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State of Hawaii